

REMARKS

The Examiner has issued a restriction requirement in this application. Applicants' representative previously elected Group I in a telephone conference. Applicants hereby confirm the election of Group I, claims 1-5, without traverse.

The Examiner has objected to claim 5 as being an improper multiple dependent claim. Claim 5 has been cancelled. Accordingly, this objection is now moot.

Claims 1, 2, and 4 stand rejected under 35 USC 103(a) as being unpatentable over Cunningham. This rejection is respectfully traversed. Claim 1 has been amended to specify that the easy-to-tear stretched aliphatic polyester film comprises "a lactic acid-based polyester resin as a main component." This limitation was previously recited in claim 5. Accordingly, no new matter has been added. Claim 2 has been amended to depend from claim 1.

Cunningham describes an artificial leather sheet material made from a polyester based polyurethane. Cunningham fails to disclose or suggest an aliphatic polyester film that comprises "a lactic acid-based polyester resin as a main component" as claimed in claims 1, 2, and 4. Accordingly, this rejection should be withdrawn.

Further, the Examiner acknowledges that Cunningham fails to state that the tear strength in the longitudinal direction and the transverse direction of not more than 22 N as claimed. The Examiner, however, believes that this is simply a design choice. Cunningham describes an artificial leather material that is water vapor permeable, and accordingly, cannot be used as a packaging material and adhesive tape material. Since it is unsuitable for these purposes, one of ordinary skill in the art would not have been motivated to produce this material with the claimed tear strength. Accordingly, the claims are patentable over Cunningham for this additional reason.

Claim 3 stands rejected under 35 USC 103(a) as being unpatentable over Adam. This rejection is respectfully traversed.

Claim 3 has been amended to specify that the easy-to-tear stretched aliphatic polyester film comprises “a lactic acid-based polyester resin as a main component.” This limitation was previously recited in claim 5. Accordingly, no new matter has been added.

Adam describes a nonwoven composite fabric comprising a matrix of substantially continuous, thermoplastic polymer filaments and at least one substantially non-thermoplastic fibrous material. Adam, like Cunningham, fails to disclose or suggest an aliphatic polyester film that comprises “a lactic acid-based polyester resin as a main component” as claimed in claim 3. Accordingly, this rejection should be withdrawn.

Further, the nonwoven composite fabric of Adam is designed for applications involving permeation of water, such as tea bags, coffee filter pouches, and the like. It is not suitable as a packaging material or adhesive tape material, like the claimed film. Since it is unsuitable for these purposes, one of ordinary skill in the art would not have been motivated to produce this material with the claimed tear energy or tensile impact strength. Accordingly, claim 3 is patentable over Adam for this additional reason.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **358362011000**.

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Respectfully submitted,

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